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**From:** Hicks, Matt [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EAA50F546C9B440A98C82F4E9BD5BD69-HICKS, MATTHEW]  
**Sent:** 6/26/2020 6:45:22 PM  
**To:** Kupchan, Simma [Kupchan.Simma@epa.gov]; Nagrani, Kavita [Nagrani.Kavita@epa.gov]; Hurlid, Kathy [Hurlid.Kathy@epa.gov]  
**Subject:** RE: FL Assumption NOC

Okay, thanks Simma.

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**From:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Sent:** Friday, June 26, 2020 2:40 PM  
**To:** Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Subject:** Fwd: FL Assumption NOC

FYI - will hear from David soon.

Simma

Begin forwarded message:

**From:** "Fotouhi, David" <Fotouhi.David@epa.gov>  
**Date:** June 26, 2020 at 2:39:23 PM EDT  
**To:** "Kupchan, Simma" <Kupchan.Simma@epa.gov>  
**Cc:** "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>  
**Subject:** RE: FL Assumption NOC

I'm scheduled to speak with Dave and Mary later this PM; will report back. Thanks!

**David Fotouhi**

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)

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**From:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Sent:** Friday, June 26, 2020 2:39 PM  
**To:** Fotouhi, David <Fotouhi.David@epa.gov>  
**Cc:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>  
**Subject:** Re: FL Assumption NOC

Hi David,

I apologize for bothering you, given how much is on your plate. I wanted to check to see if you had had a chance to discuss our concerns with Florida's rule change with Dave or Mary Walker. R4 does not want to move forward without hearing from HQ.

Thanks very much for your help with this matter.

Simma

On Jun 25, 2020, at 8:46 AM, Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)> wrote:

Thanks, Simma. Yes, let's discuss. My initial reaction

**Ex. 5 AC/DP**

**Ex. 5 AC/DP**

**David Fotouhi**

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)

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**From:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>

**Sent:** Wednesday, June 24, 2020 5:57 PM

**To:** Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Neugeboren, Steven  
<[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>

**Subject:** RE: FL Assumption NOC

Thanks, David. Carrie and I have discussed this issue with Region 4, and I have discussed separately with OW staff, and of the list of issues Mary forwarded of proposed changes to Florida's rules, we think

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Thanks for your attention.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>  
**Sent:** Wednesday, June 24, 2020 3:36 PM  
**To:** Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Subject:** FW: FL Assumption NOC

Please see below

## David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)

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**From:** Walker, Mary <[walker.mary@epa.gov](mailto:walker.mary@epa.gov)>  
**Sent:** Wednesday, June 24, 2020 3:00 PM  
**To:** Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Ross, David P <[ross.davidp@epa.gov](mailto:ross.davidp@epa.gov)>  
**Cc:** Palmer, Leif <[Palmer.Leif@epa.gov](mailto:Palmer.Leif@epa.gov)>  
**Subject:** FW: FL Assumption NOC

David,

Below is the language in the Notice of Change that

**Ex. 5 AC/DP**

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Thanks  
Mary

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**From:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>  
**Sent:** Tuesday, June 23, 2020 2:12 PM  
**To:** Walker, Mary <[walker.mary@epa.gov](mailto:walker.mary@epa.gov)>  
**Cc:** Palmer, Leif <[Palmer.Leif@epa.gov](mailto:Palmer.Leif@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>; Gettle, Jeaneanne <[Gettle.Jeaneanne@epa.gov](mailto:Gettle.Jeaneanne@epa.gov)>; McGill, Thomas <[Mcgill.Thomas@epa.gov](mailto:Mcgill.Thomas@epa.gov)>; Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>; Ashbee, Blake <[ashbee.blake@epa.gov](mailto:ashbee.blake@epa.gov)>; Allenbach, Becky <[Allenbach.Bekky@epa.gov](mailto:Allenbach.Bekky@epa.gov)>  
**Subject:** FW: FL Assumption NOC

Mary,

As discussed during our briefing, here's a summary of the relevant portions of the Notice of Change: **Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)** Simma Kupchan (OGC) and Kathy Hurld (OWOW) had some additional thoughts on this which I'm happy to forward if it would be helpful.

Thank you,

Matt

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**From:** Hicks, Matt  
**Sent:** Friday, June 19, 2020 12:16 PM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; McGill, Thomas <[Mcgill.Thomas@epa.gov](mailto:Mcgill.Thomas@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Laycock, Kelly <[laycock.kelly@epa.gov](mailto:laycock.kelly@epa.gov)>; Hurld, Kathy <[Hurld.Kathy@epa.gov](mailto:Hurld.Kathy@epa.gov)>; Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>  
**Subject:** FL Assumption NOC

Team,

**Ex. 5 AC/DP**

# **Ex. 5 AC/DP**